

James MacPherson
Transportation Committee
March 10, 2010
Re: Raised Bill No. 5459

I am James MacPherson, and I am here representing AAA Allied Group, the AAA club that serves AAA members in five of the eight counties of Connecticut: Hartford, Tolland, Windham, New London and Middlesex. I draw your attention to Raised Bill No. 5459, An Act Concerning Wreckers.

We support the underlying purpose of the changes outlined in the bill. The goal of bringing order to the nonconsensual towing and transporting of motor vehicles is important and one that is in the public interest.

However, the current wording of the proposed changes that could bring about this improvement could also be interpreted in a way that would prevent AAA from towing a AAA member who requests this service using a AAA owned tow truck and a driver employed by this organization.

AAA Allied Group does not do nonconsensual towing in the state and parties who have advocated the changes outlined in the current draft, specifically the Towing and Recovery Professionals of Connecticut, have, I am told, assured us that it was not their intent to limit AAA's ability to provide consensual towing services to AAA members when they advocated these changes.

Therefore, we have proposed an addition to Section 1 of the bill that can be found in paragraph (i). This would allow us to continue to serve our AAA members by exempting persons, firms, associations or corporations operating as an automobile club or automobile association licensed under section 14-67. A copy of this proposal is attached to my testimony.

I thank you for your consideration.

General Assembly

February Session, 2010

Raised Bill No. 5459

LCO No. 1984

01984_____TRA

Referred to Committee on Transportation

Introduced by:

(TRA)

AN ACT CONCERNING WRECKERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 14-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) (1) No person, firm or corporation shall engage in the business of operating a wrecker for the purpose of towing or transporting [for compensation] motor vehicles, including motor vehicles which are disabled, inoperative or wrecked or are being removed in accordance with the provisions of section 14-145, 14-150 or 14-307, unless such person, firm or corporation is a motor vehicle dealer or repairer licensed under the provisions of subpart (D) of [this] part III of chapter 246. (2) The commissioner shall establish and publish a schedule of uniform rates and charges for the nonconsensual towing and transporting of motor vehicles and for the storage of motor vehicles which shall be just and reasonable. Upon petition of any person, firm or corporation licensed in accordance with the provisions of this section, but not more frequently than once every two years, the commissioner shall reconsider the established rates and charges and shall amend such rates and charges if the commissioner, after consideration of the factors stated in this subdivision, determines that such rates and charges are no longer just and reasonable. In establishing and amending such rates and charges, the commissioner may consider factors, including, but not limited to, the Consumer Price Index, rates set by other jurisdictions, charges for towing and transporting services provided pursuant to a contract with an automobile club or automobile association licensed under the provisions of section 14-67 and rates published in standard service manuals. The commissioner shall hold a public hearing for the purpose of obtaining additional information concerning such rates and charges. (3) With respect to the nonconsensual towing or transporting and the storage of motor vehicles, no such person, firm or corporation shall charge more than the rates and charges published by the commissioner. Any person aggrieved by any action of the commissioner under the provisions of this section may take an

appeal therefrom in accordance with section 4-183, except venue for such appeal shall be in the judicial district of New Britain.

(b) The commissioner, [by himself] or an inspector authorized by [such] the commissioner, shall examine each wrecker, including its number, equipment and identification, and [ascertain] shall determine the mechanical condition of such wrecker and [ascertain] whether or not it is properly equipped to do the work intended. [Such] A wrecker shall be deemed properly equipped if [it has installed thereon] there are two flashing yellow lights [so] installed and mounted on [the vehicle as to] such wrecker that (1) show in all directions at all times, and [which shall] (2) indicate the full width of [said vehicle] such wrecker. Such lights shall be mounted not less than eight feet above the road surface and as [near] close to the back of the cab of such [vehicle] wrecker as practicable. Such lights shall be in operation [whenever] when such wrecker is towing a disabled vehicle [is being towed by such wrecker] and when such wrecker is at the scene of an accident or the location of a disabled motor vehicle. In addition, [thereto] each wrecker shall be equipped with a spot light [so] mounted so that [the] its beam of light [can be shown in all directions] is directed toward the hoisting equipment in the rear of such wrecker. The hoisting equipment of each wrecker shall be of sufficient capacity to perform the service intended and shall be securely mounted to the frame of such vehicle. A fire extinguisher shall be carried at all times on each wrecker which shall be in proper working condition, mounted in a permanent bracket on each wrecker and have a minimum rating of eight bc. A set of three flares in operating condition shall be carried at all times on each wrecker and shall be used between the periods of one-half hour after sunset and one-half hour before sunrise when the wrecker is parked on a highway while making emergency repairs or preparing to pick up a disabled vehicle to remove it from a highway or adjoining property. No registrant or operator of any wrecker shall offer to give any gratuities or inducements of any kind to any police officer or other person in order to obtain towing business or recommendations for towing or storage of, or estimating repairs to, disabled vehicles. No licensee shall require the owner to sign a contract for the repair of [his] such owner's damaged vehicle as part of the towing consideration or to sign an order for the repair of, or authorization for estimate until the tow job has been completed. No licensee shall tow a vehicle in such a negligent manner as to cause further damage to the vehicle being towed.

(c) Each wrecker used for towing or transporting [disabled or wrecked] motor vehicles [for compensation] shall be registered as a wrecker by the commissioner for a fee of one hundred twenty-five dollars. Each such registration shall be renewed biennially according to renewal schedules established by the commissioner so as to effect staggered renewal of all such registrations. If the adoption of a staggered system results in the expiration of any registration more

or less than two years from its issuance, the commissioner may charge a prorated amount for such registration fee.

(d) An owner of a wrecker may apply to the commissioner for a general distinguishing number and number plate for the purpose of displaying such number plate on a motor vehicle temporarily in the custody of such owner and being towed or transported by such owner. The commissioner shall issue such number and number plate to an owner of a wrecker (1) who has complied with the requirements of this section, and (2) whose wrecker is equipped in accordance with subsection (b) of this section. The commissioner shall charge a fee to cover the cost of issuance and renewal of such number plates.

(e) With respect to the nonconsensual towing or transporting of a motor vehicle, no licensee may tow or transport a vehicle to the premises of any person, firm or corporation engaged in the storage of vehicles for compensation unless such person, firm or corporation adheres to the storage charges published by the commissioner.

(f) The provisions of this section shall not apply to any person, firm or corporation, licensed as a motor vehicle dealer under the provisions of subpart (D) of this part, towing or transporting a motor vehicle for salvage purposes, provided such person, firm or corporation does not offer direct towing or wrecker service to the public.

(g) For the purposes of this section, "nonconsensual towing or transporting" means the towing or transporting of a motor vehicle in accordance with the provisions of section 14-145 or for which arrangements are made by order of a law enforcement officer or traffic authority, as defined in section 14-297.

(h) Any motor vehicle that (1) has been towed or transported by a licensee to the premises of any person, firm or corporation engaged in the storage of vehicles for compensation, and (2) is wrecked, disabled or inoperable, shall incur a fee, not to exceed fifty dollars, for the lifting, transporting or towing of such vehicle from such premises.

(i) The provisions of section one of this act shall not apply to persons, firms, associations or corporations operating as an automobile club or automobile association licensed under section 14-67 of the general statutes.

Sec. 2. Section 14-66c of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) As used in this section, "motorized personal property" includes mini-motorcycles, dirt bikes, snowmobiles, or other types of motorized personal property.

(b) If any motorized personal property is towed or otherwise removed by a wrecker licensed under section 14-66, as amended by this act, at the direction of an officer attached to an organized police department or an owner of real property where such personal property has been abandoned, such property shall be taken to and stored in a suitable place. Within forty-eight hours following the time that such property is taken into custody, the licensee or operator of the wrecker shall give written notice by certified mail to the owner, if known (1) that such property has been taken and stored, and (2) the location of such property. Such licensee or operator shall have a lien upon the same for towing or removal charges and storage charges. If such owner does not claim such property, or if the owner of such property is not known, the licensee or operator of the wrecker may sell or dispose of such property after thirty days, subject to any provision of the general statutes, or any regulation adopted thereunder, concerning the sale or disposal of such property.

(c) Any person who violates any provision of this section shall, for a first offense, be deemed to have committed an infraction and be fined not less than thirty-five dollars nor more than fifty dollars, and, for each subsequent offense, shall be fined not less than fifty dollars nor more than one hundred dollars or imprisoned not more than thirty days or be both fined and imprisoned.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	14-66
Sec. 2	<i>October 1, 2010</i>	14-66c

Statement of Purpose:

To change the requirements for lights installed on wreckers, to remove references to "disabled or wrecked vehicle" being towed or transported "for compensation" and to establish a fee for moving wrecked, disabled or inoperable vehicles out of storage premises.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]